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(FLU:KJ)

FILED

JUL 25 2011

AT 8:30 M
WILLIAM T. WALSH
CLERK

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA,

**HON. DENNIS M.
CAVANAUGH**

v.

Plaintiff,

JAMES BEDNARCIK,

CR NO. 07-48

and

Defendant,

**PATHMARK
and its successors or assigns,**

**APPLICATION AND ORDER
FOR WRIT OF CONTINUING
GARNISHMENT**

Garnishee.

The United States of America, plaintiff, makes this application in accordance with 28 U.S.C. § 3205(b)(1) to the Clerk of the United States District Court to issue a Writ of Continuing Garnishment upon the judgment entered against the defendant, James Bednarcik, social security number *****6670, whose last known address is: Union City, NJ 07087 in the above cited action in the amount of \$\$8,925, plus interest at the rate of 0% per annum and penalties.

The total balance due and owing as of July 13, 2011 is \$\$8,925.

Demand for payment of the above-stated debt was made upon the debtor not less than

30 days from July 13, 2011, and debtor has failed to satisfy the debt.

The Garnishee is believed to owe or will owe money or wages to the judgment debtor.

More specifically, the Garnishee is the employer of the defendant, James Bednarcik, and its successors or assigns. This Writ of Continuing Garnishment is intended to compel the Garnishee to pay to the United States twenty-five percent (25%) of the disposable earnings of defendant, James Bednarcik, pursuant to 28 U.S.C. § 3002(9).

The name and address of the Garnishee or his authorized agent is:

Pathmark
Store 295
281 Ferry Street
Newark, NJ 07105

Based upon the foregoing, the United States respectfully requests the Court to enter an Order directing the Clerk of the United States District Court to issue a Writ of Continuing Garnishment.

PAUL J. FISHMAN
UNITED STATES ATTORNEY

By: 
LEAH A. BYNON
ASSISTANT U.S. ATTORNEY

IT IS, on this 25 day of July, 2011

ORDERED, that the Clerk of the Court shall issue the Writ of Continuing Garnishment.


HON. DENNIS M. CAVANAUGH
UNITED STATES DISTRICT COURT

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HON. DENNIS M. CAVANAUGH

CR NO. 07-48

**CLERK'S NOTICE OF
POST-JUDGMENT
GARNISHMENT**

TO THE ABOVE-NAMED DEFENDANT AND ALL OTHER PERSONS INTERESTED:

You are hereby notified that the non-exempt earnings are being taken by the United States of America which has a Court judgment in Criminal No. 07-48 in the sum of \$\$8,925. A balance of \$\$8,925 remains outstanding.

In addition, you are hereby notified that there are exemptions under the law which may protect some of the property from being taken by the Government if James Bednarcik can show that the exemptions apply. Attached is a summary of the exemptions which are applicable pursuant to 18 U.S.C. § 3613(a).

If you are James Bednarcik you have a right to ask the court to return your property to you if you think you do not owe the money to the Government that it says you do, or if you think the property the Government is taking qualifies under one of the above exemptions.

The instructions for objection to the Answer of the Garnishee and for obtaining a hearing on the objections are set forth in the "Notice of Garnishment and Instructions to the

Above-named Defendant" served upon you by the United States of America.

If you want a hearing, you must notify the court within 20 days after receipt of the notice. Your request must be in writing.

If you wish, you may use this notice to request the hearing by completing the Request for Hearing Form which is attached to the Writ of Continuing Garnishment. You must either mail it or deliver it in person to the Clerk of the United States District Court at the King Federal Courthouse, 50 Walnut Street, Newark, N.J. 07102. You must also send a copy of your request to the United States Attorney at 970 Broad Street, 7th Floor, Newark, NJ 07102, so the Government will know you want a hearing.

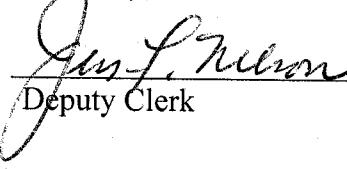
The hearing will take place within 5 days after the Clerk receives your request, if you ask for it to take place that quickly, or as soon after that as possible.

At the hearing you may explain to the judge why you think you do not owe the money to the Government. If you do not request a hearing within 20 days of receiving this notice, a Court Order will be entered attaching the wages, monies, and/or commissions which will then be applied against the judgment owed the Government.

If you think you live outside the Federal judicial district in which the court is located, you may request, not later than 20 days after you receive this notice, that this proceeding to take your property be transferred by the court to the Federal judicial district in which you reside. You must make your request in writing, and either mail it or deliver it in person to the Clerk of the District Court at the King Federal Courthouse, 50 Walnut Street, Newark, N.J. 07102. You must also send a copy of your request to the United States Attorney at 970 Broad Street, 7th Floor, Newark, NJ 07102, so the Government will know you want the proceeding to be transferred.

Be sure to keep a copy of this notice for your own records. If you have any questions about your rights or about this procedure, you should contact a lawyer, an office of public legal assistance, or the clerk of the court. The clerk is not permitted to give legal advice, but can refer you to other sources of information.

WILLIAM T. WALSH
CLERK, U.S. DISTRICT COURT

By: 

Deputy Clerk

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HON. DENNIS M. CAVANAUGH

CR NO. 07-48

**WRIT OF CONTINUING
GARNISHMENT**

GREETINGS TO: Pathmark
Store 295
281 Ferry Street
Newark, NJ 07105

An Order Granting Application of the United States for a Writ of Continuing

Garnishment against the property of James Bednarcik, defendant, has been filed with this Court. A judgment has been entered against the above-named defendant in the amount of \$\$8,925, plus interest and penalties, computed through July 13, 2011.

You are required to begin withholding in accordance with this garnishment from the

date you were served with these papers.

You are required by law to answer in writing, under oath, within ten (10) days, whether or not you have in your custody, control or possession, any property owned by the debtor, including non-exempt, disposable earnings.

Please state whether or not you anticipate paying the debtor any future payments and whether such payments are weekly, bi-weekly or monthly.

You must file the original written answer to this writ within ten (10) days of your receipt of this writ with the United States District Clerk at: King Federal Courthouse, 50 Walnut Street, Newark, N.J. 07102. Additionally, you are required by law to serve a copy of this writ upon the debtor and upon the United States Attorney, 970 Broad Street, 7th Floor, Newark, NJ 07102.

Under the law, there is property which is exempt from this Writ of Continuing Garnishment. Property which is exempt and which is not subject to this order is listed on the attached Claim for Exemption form.

Pursuant to 15 U.S.C. §1674, Garnishee is prohibited from discharging the defendant from employment by reason of the fact that his/her earnings have been subject to garnishment for any one indebtedness.

You shall withhold and retain any wages, monies and/or commissions payable to the defendant James Bednarcik , in which the debtor has a substantial nonexempt interest and for which you are or may become indebted to the judgment debtor pending further order of the court. If you fail to answer this writ or withhold property in accordance with this writ, the United States of America may petition the Court for an order requiring you to appear before the Court. If you fail to appear or do appear and fail to show good cause why you failed

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to comply with this writ, the Court may enter a judgment against you for the value of the debtor's non-exempt property. It is unlawful to pay or deliver to the defendant any item attached by this writ.

DATED: 7/26/11

WILLIAM T. WALSH
UNITED STATES DISTRICT COURT CLERK
By: John F. Nelsen
DEPUTY CLERK